S.A. No. 1615 of 2001

(Old No. 2050 of 1991)

Hon. P.C. Pant, J.

This appeal was filed before the Allahabad High Court in the year 1991 and received by transfer by this Court under U.P. Re-Organisation Act, 2000.

This case is listed today for admission/ orders.

Perusal of the impugned order shows that learned lower Court has decided misc. civil appeal No. 89 of 1990 u/s 104 read with order 43 Rule 1 of the C.P.C. as it was an appeal before lower appellate Court against the order of the trial Court whereby application for temporary injunction was rejected.

Second appeal under Section 100 of the Code of Civil Procedure, 1908 is maintainable only against the decrees passed by lower appellate Court in an appeal against the decree passed by the trail Court. In the present case no decree has been passed either by the trial court or by the lower appellate Court. As such no second appeal is maintainable u/s 100 of the Code of Civil Procedure, 1908.

The appeal is dismissed in limine as not maintainable at the stage of admission/ orders.

(P.C. Pant. J.)

Dt.31.07.2004

HN